



**CITY OF PELLA, IOWA  
AIRPORT ZONING BOARD OF ADJUSTMENT  
TENTATIVE MEETING AGENDA**

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**Thursday, December 17, 2020**

**6:00 P.M.**

**Public Safety Complex – 614 Main St.**

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**Due to the COVID-19 pandemic, this meeting will be available electronically:**

1. To access screensharing and audio, visit <https://join.me/CityofPella>
2. To listen to audio only, call 720.650.5050 and enter access code 962-389-622 #

Those attending via either method above will have the ability to provide verbal comments during the dedicated public forum. In order to minimize disruption, we ask that you keep your microphones or telephones on mute until the time which you intend to speak.

**A. Call to Order and Roll Call**

1. Approval of tentative agenda

**B. New Business**

1. Nomination and election of fifth Board member to serve as Chairperson

**C. Work Session/Public Forum**

1. Review of proposed Airport Zoning Board of Adjustment Procedural Rules
2. Work session discussing criteria for approving variances
3. Next meeting is scheduled for January 18, 2021

**D. Adjourn**



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THE  
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**STAFF MEMO TO AIRPORT ZONING BOARD OF ADJUSTMENT**

ITEM NO: B-1  
SUBJECT: Nomination and Election of an Airport Zoning Board of Adjustment Chairperson  
DATE: December 17, 2020

According to state law and city code, the four appointed members of the Airport Board of Adjustment are required to select a fifth member, who will also serve as the Board Chair. See Iowa Code Sec. 329.12 and City Code Sec. 166.09. Due to gender balance requirements, the fifth member must be a woman. In the absence of the Chairperson, the remaining membership will select an Acting Chairperson to serve as presiding officer by vote.

During this meeting, board members are asked to select the fifth member of the Board who will serve as the Chair of the Board.

Staff is recommending appointment of Ann Visser as the fifth member of the AZBOA. Ann is currently a member of the Planning and Zoning Commission where she has served since 2012. Ann has lived in Pella for 30 years and over the years has volunteered at the Vermeer Windmill, the hospital, the food shelf, and the basket shop. She is a retired English/journalism teacher. Ann resides at 1006 Broadway Street.

If the AZBOA is in support of this recommendation, the Board should vote on the nomination.

ATTACHMENTS: None  
PREPARED BY: Planning and Zoning Department  
REVIEWED BY: City Administrator, City Attorney



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**STAFF MEMO TO AIRPORT ZONING BOARD OF ADJUSTMENT**

ITEM NO: C-1

SUBJECT: Review of Proposed Airport Zoning Board of Adjustment Procedural Rules

DATE: December 17, 2020

The purpose of the Procedural Rules is to govern the conduct of the Airport Zoning Board of Adjustment and the rules are interpreted to ensure fair and open deliberations and decision making. The attached rules have been drafted for review by the Board prior to presenting for formal adoption at the next regular meeting.

ATTACHMENTS: Airport Zoning Board of Adjustment Procedural Rules

PREPARED BY: Planning and Zoning Department

REVIEWED BY: City Administrator, City Attorney



## **AIRPORT ZONING BOARD OF ADJUSTMENT PROCEDURAL RULES**

### **Part I: General Provisions**

#### **Rule 1: Scope**

These rules shall govern the conduct of the Airport Zoning Board of Adjustment and shall be interpreted to insure fair and open deliberations and decision making.

#### **Rule 2: Rules of Order**

The generally accepted rules of procedure found in Robert's Rules of Order, Newly Revised, shall govern Airport Zoning Board of Adjustment meetings unless a change from those rules is approved by the Airport Zoning Board of Adjustment for a specific reason.

#### **Rule 3: Matters Not Covered**

Any matter of order or procedure not covered by these rules shall be decided by the Airport Zoning Board of Adjustment Chair or Acting Chair, with the assistance and advice of the City Attorney.

#### **Rule 4: Interpretation**

These rules are intended to supplement, and shall be interpreted to conform with, the Statutes of the State of Iowa and the Ordinances of the City of Pella.

### **Part II: Time and Place of Meetings**

#### **Rule 5: Regular Meetings**

Airport Zoning Board of Adjustment meetings are held on an as needed basis at the Public Safety Complex at 614 Main Street.

*Airport Zoning Board of Adjustment Procedural Rules  
Adoption pending December 17, 2020*

**Part III: Agenda**

**Rule 6: Preparation of the Agenda**

Prior to each Airport Zoning Board of Adjustment meeting, the Planning and Zoning Administrator shall post an Agenda in accordance with Iowa Code which contains all items the Airport Zoning Board of Adjustment anticipates acting upon at the meeting. The Airport Zoning Board of Adjustment may adopt the agenda as presented or may amend the agenda as provided by these rules and then adopt the agenda as amended. Additions and deletions to the agenda shall be in accordance with State statutes.

**Rule 7: Public Hearings on Agenda**

The Planning and Zoning Administrator shall include legally required public hearings on the Airport Zoning Board of Adjustment agenda. Unless it is required by statute or necessary to conform to proceedings required for a special purpose, a hearing shall commence when declared open by the Chair or Acting Chair and shall be closed by the Chair or by other formal action of the Board.

**Part IV: Conduct of Meetings**

**Rule 8: Secretary**

The Planning and Zoning Administrator shall act as Secretary for the Board of Adjustment.

**Rule 9: Roll Call**

A majority of the entire Airport Zoning Board of Adjustment shall constitute a quorum for the transaction of business. Before proceeding with the business of the Airport Zoning Board of Adjustment, the Planning and Zoning Administrator shall note members present, and enter those names in the minutes. The Planning and Zoning Administrator shall determine the presence of a quorum as required by law and these rules. Board members may participate in the meeting either in person or via electronic means as listed in the meeting agenda. Either form of participation shall allow a Board member to be considered present to conduct business.

**Rule 10: Call to Order**

The Chair or Acting Chair shall call the meeting to order at the appointed hour.

**Rule 11: Presiding Officer**

The Airport Zoning Board of Adjustment Chair shall be the presiding officer at all meetings. If the Chair is absent, then the members present shall select an Acting Chair to serve as presiding officer by vote.

***Airport Zoning Board of Adjustment Procedural Rules***  
***Adoption pending December 17, 2020***

**Rule 12: Control of Discussion**

The presiding officer shall facilitate discussion of the Airport Zoning Board of Adjustment on Agenda items to promote equitable participation in accordance with these rules.

**Rule 13: Order of Consideration of Agenda**

Except as otherwise provided in these rules, each Agenda item shall be considered in the order shown on the Agenda. Each Agenda item shall be separately announced by the presiding officer, or Planning and Zoning Administrator, for purposes of discussion and consideration.

**Rule 14: Discussion**

An Airport Zoning Board of Adjustment member shall speak after being recognized by the presiding officer. An Airport Zoning Board of Adjustment member, after being recognized, shall not be interrupted, except by the presiding officer to enforce these rules.

**Rule 15: Limit on Remarks**

Each Airport Zoning Board of Adjustment member shall limit his/her remarks to a reasonable length. A Board member recognized for a specific purpose shall limit remarks to that purpose.

**Rule 16: Presiding Officer's Right to Enter into Discussion**

The Chair, or other presiding officer, may enter into any discussion.

**Rule 17: Presiding Officer's Right to Close Debate**

The presiding officer has the right to close debate and speak last on any item, unless a majority of the entire Airport Zoning Board of Adjustment votes to continue the discussion.

**Rule 18: Procedural Issues**

Procedural issues are determined using Robert's Rules of Order, Newly Revised. Any exceptions to those rules are specifically noted in these rules.

**Rule 19: Votes Necessary for Passage**

The concurring vote of the majority of the entire Board shall be necessary to reverse any order, requirement, decision or determination of the Planning and Zoning Administrator, or to decide in favor of the appellant on any matter upon which it is required to pass under the Airport Zoning Ordinance, including a request for variance.

*Airport Zoning Board of Adjustment Procedural Rules  
Adoption pending December 17, 2020*

**Part V: Citizen Participation**

**Rule 20: Citizen's Right to Address the Airport Zoning Board of Adjustment**

Persons other than the presiding officer or Board members shall be permitted to address the Board during public hearing portions of the Agenda or at other times as determined by the presiding officer or Board members provided that addressing the Board is limited to making statements only and that such statements are pertinent to the public hearing item in question.

**Rule 21: Manner of Addressing the Board of Adjustment**

A person desiring to address the Board shall stand; state his/her name, address, and group affiliation (if any) and speak clearly and audibly with direction of comments to the Board.

**Rule 22: Time Limit on Citizens Remarks**

An individual citizen shall be limited to three minutes under Rule 21, unless additional time is granted by the presiding officer or majority of those Board members present. Total citizen input on any subject under Board consideration may be limited at the discretion of the Chair or a majority of the Board.

**Rule 23: Remarks of Citizens to be Germane**

Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of citizen comments. Citizens making personal, impertinent, or slanderous remarks shall be barred by the presiding officer from further comment before the Airport Zoning Board of Adjustment during that meeting.

**Part VI: Board Action**

**Rule 24: Motion Required**

All actions requiring a vote shall be moved and seconded by a member of the Board.

**Rule 25: Motion to Reconsider**

A motion to reconsider a prior vote shall be made by a Board member who was on the prevailing side in the original action. Motions to reconsider shall be made at the same meeting as the original vote.

**Rule 26: Motions by Presiding Officer**

The presiding officer may make a motion or vote as any other member of the Board.

**Rule 27: Call for Vote**

At any time in the debate, the presiding officer may call for a vote. Alternatively, a majority of those Board members present may call for a vote at any time.

***Airport Zoning Board of Adjustment Procedural Rules***  
***Adoption pending December 17, 2020***

**Rule 28: Separate Consideration**

Except as otherwise required by these rules, each Agenda item shall be voted upon separately. Each motion shall require a second and each vote shall be recorded by the Planning and Zoning Administrator. The Chair or any member of the Board may request that a roll call vote be taken on a specific issue. The presiding officer will then direct the Planning and Zoning Administrator to call for each Board member present to cast his/her vote individually. The Chair will then read the results of the roll call.

**Rule 29: Abstentions Due to Conflict of Interest**

If it is determined by any member of the Airport Zoning Board of Adjustment that he or she has a conflict of interest on an Agenda item, said member shall so declare the nature of his/her conflict prior to commencement of discussion of the Agenda item. Abstentions due to conflicts of interest shall not count as votes for the purpose of determining whether there has been an affirmative vote of the Airport Zoning Board of Adjustment but shall be counted for the purpose of determining whether a quorum is present. The vote of member(s) who abstain due to conflict of interest shall be registered as an abstention.

**Rule 30: Abstentions Not Due to a Conflict of Interest**

Any member of the Airport Zoning Board of Adjustment who has not declared a conflict of interest but casts a pass vote or abstains from voting shall have that vote registered as a no vote.

**Part VII: Other Provisions**

**Rule 31: Public Testimony and Public Records**

The presiding officer may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Planning and Zoning Administrator and shall be a public record.

**Rule 32: Resolution Documenting Action and Reasons for Decision.**

Decisions of the Airport Zoning Board of Adjustment will be prepared by City staff after the Board vote occurs. A decision shall be in the form of a resolution and shall be consistent with the Board's deliberations at the meeting. The Chair or Acting Chair of the Board is authorized to sign the resolution without bringing it back to the Board for a formal vote. A Board decision will be considered filed on the date that the Chair signs it. City staff will deposit a copy in the mail on that same day to the applicant/appellant. A resolution signed by the Chair or Acting Chair of the Airport Zoning Board of Adjustment shall be kept in the office of the Planning and Zoning Administrator. The resolution shall set forth the full reason for its decision and the vote of each member participating therein.



*Airport Zoning Board of Adjustment Procedural Rules  
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Rule 33: Informal Advice

The Airport Zoning Board of Adjustment will not consider a request (informal or not) for advice on theoretical or actual situations that potentially may later come before the Board as an appeal or application.

Rule 34: Request for Further Information/Continuance

The Airport Zoning Board of Adjustment may request additional information from the City Attorney or other City staff than the information provided as part of the meeting packet and may continue in reasonable manner the consideration of the agenda item to a future meeting in question pending receipt of said information.

**Part VIII: Amendment of Procedural Rules**

Rule 35: Suspending Procedural Rules

These rules may be suspended by the Airport Zoning Board of Adjustment for specific cases following a majority vote of the entire Board.

Rule 36: Amendments to Procedural Rules

These rules may be amended through a resolution adopting such a change by a majority vote of the entire Board.

**Part IX: Time for Filing Appeals**

Rule 37: Thirty Day Deadline

Notices of Appeal to the Airport Zoning Board of Adjustment where it is alleged there is error in any order, requirement, decisions or determination made by the Planning and Zoning Administrator in the enforcement of the Airport Zoning Ordinance or any regulation relating to the airport zone height limitations shall be filed within 30 days of the action or decision appealed from.



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**STAFF MEMO TO AIRPORT ZONING BOARD OF ADJUSTMENT**

ITEM NO: C-2  
SUBJECT: Work Session Discussing Criteria for Approving Variances  
DATE: December 17, 2020

Under [City Code Section 166.09](#), the Airport Zoning Board of Adjustment (AZBOA) is created to have and exercise the following powers:

1. To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter.
2. To hear and decide special exceptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass; and
3. To hear and decide specific variances.

City Code Section 166.07(4) further provides:

4. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. **Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter.** Additionally, no application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been furnished to the City of Pella Airport Committee for advice as to the aeronautical effects of the variance. If the Airport Committee does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

During this work session, the City Attorney will be present to discuss the criteria for approving variances.

ATTACHMENTS: None  
PREPARED BY: Planning and Zoning Department  
REVIEWED BY: City Administrator, City Attorney